

Lorin D. Netterville

October 10, 2006

<p style="text-align: right;">Page 138</p> <p>1 accommodation to work?</p> <p>2 A. Yeah.</p> <p>3 Q. And I'm trying to remember -- what's the name of</p> <p>4 the place you're working?</p> <p>5 A. I work for ;</p> <p>6 Q. Thank you. What accommodation is</p> <p>7 providing for you?</p> <p>8 A. Just the same thing that happens here, that I</p> <p>9 don't -- I alternate my work.</p> <p>10 Q. Your typing and your reading?</p> <p>11 A. Yeah. I also -- about once a month, I come in</p> <p>12 two hours late because of the -- I have sleep issues. I</p> <p>13 don't sleep well.</p> <p>14 Q. Okay. Have you -- is this a formal situation</p> <p>15 where you've informed that you need an accommodation?</p> <p>16 A. They -- yeah. Basically, my direct superior</p> <p>17 knows --</p> <p>18 Q. Okay.</p> <p>19 A. -- and we've discussed it and he knows -- do we</p> <p>20 have a formal -- as far as it's written down, no, but I've</p> <p>21 told him. And, in fact -- what day -- one day this week --</p> <p>22 no -- last week I came in two hours late.</p> <p>23 Q. Okay.</p> <p>24 A. So, he knows that -- when I call in and say, "I'm</p> <p>25 going to have take a couple of hours more," he grants that.</p>	<p style="text-align: right;">Page 140</p> <p>1 Q. And then it also says, "I understand that any</p> <p>2 misrepresentation, false statement, or omission herein may</p> <p>3 result in the company rejecting my application, withdrawing</p> <p>4 any offer of employment, or terminating my employment at any</p> <p>5 time." Do you see that?</p> <p>6 A. Yes.</p> <p>7 Q. Okay. And below that, that is your signature,</p> <p>8 correct?</p> <p>9 A. That's correct.</p> <p>10 Q. It is dated April 5th, 2001, right?</p> <p>11 A. Right.</p> <p>12 Q. All right. Let's move to the -- let's see --</p> <p>13 second page. I think you mentioned something about looking</p> <p>14 at this -- you and I were talking about some of your</p> <p>15 medications and you said something about -- I think -- I'm</p> <p>16 not putting words in your mouth. You said something about</p> <p>17 looking at this.</p> <p>18 Are there medications on here that relate to</p> <p>19 chronic fatigue syndrome first? Let me ask you that.</p> <p>20 A. No, there is not.</p> <p>21 Q. Okay.</p> <p>22 A. I didn't have at that time.</p> <p>23 Q. So, when you were diagnosed -- not "diagnosed."</p> <p>24 When you had the discussion with Dr. Salvato in 1987 that</p> <p>25 we've already talked about, she didn't put you on any</p>
<p style="text-align: right;">Page 139</p> <p>1 Q. All right. I'm -- let's talk about the medical</p> <p>2 questionnaire we've been talking about all day today --</p> <p>3 A. All right.</p> <p>4 Q. -- because it seems to me Mr. Sustaita has been</p> <p>5 asking me when we're done and it seems to me that I need to</p> <p>6 move on.</p> <p>7 MR. SUSTAITA: Just curious.</p> <p>8 MR. McLAUGHLIN: Well, I understand. I'm</p> <p>9 always curious, too, frankly. I'll be asking you tomorrow.</p> <p>10 Q. (BY MR. McLAUGHLIN) Let's look at -- you're free</p> <p>11 to stop and read any part of this you need to. I was going</p> <p>12 to just skip around and hopefully ask you just a few</p> <p>13 questions about it and then move on, Ms. Netterville, so</p> <p>14 don't feel rushed or anything, okay? If I'm not giving you</p> <p>15 time to read something, make sure and tell me.</p> <p>16 A. Okay.</p> <p>17 Q. Okay?</p> <p>18 A. Yes.</p> <p>19 Q. I guess, first, would you look at the back -- no,</p> <p>20 nevermind, not the last page. The page with your signature</p> <p>21 on it says "Page 5 of 7," do you see that?</p> <p>22 A. Yes.</p> <p>23 Q. Okay. Right above that, it says "I certify the</p> <p>24 information given by me is true."</p> <p>25 A. Uh-huh.</p>	<p style="text-align: right;">Page 141</p> <p>1 medication that she specifically characterized as for</p> <p>2 right?</p> <p>3 A. No.</p> <p>4 Q. In that 1987 visit, did she put you on any</p> <p>5 medication at all?</p> <p>6 A. Not -- that was a continual -- I took six weeks</p> <p>7 of shots, six weeks of antibiotics, six weeks of</p> <p>8 That's it.</p> <p>9 Q. All right. Okay. Now, I see on here.</p> <p>10 You mentioned that.</p> <p>11 A. That was for panic attacks.</p> <p>12 Q. For panic attacks. Okay. Very good.</p> <p>13 A. And even says down here on this second line --</p> <p>14 Q. Yep.</p> <p>15 A. -- panic" --</p> <p>16 Q. I see that. panic disorder," right?</p> <p>17 A. Uh-huh.</p> <p>18 Q. Under that, it says "chemical imbalance."</p> <p>19 A. "Chemical imbalance," uh-huh.</p> <p>20 Q. What do you mean by that?</p> <p>21 A. That -- the doctor said that the panic disorder</p> <p>22 and everything, that it was caused by a chemical imbalance</p> <p>23 in my brain.</p> <p>24 Q. Okay. Did you get that at the emergency room or</p> <p>25 prior to that?</p>

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<p>1 A. No, no. I believe that's the one I said that I</p> <p>2 believe Kelsey-Seybold --</p> <p>3 Q. Probably right. The ambulance ride from the</p> <p>4 downtown location, the Chevron Tower --</p> <p>5 A. Uh-huh.</p> <p>6 Q. -- did you go to the ER?</p> <p>7 A. Yeah. The only thing I got was Vicodin for my</p> <p>8 head.</p> <p>9 Q. Okay.</p> <p>10 A. That was it.</p> <p>11 Q. So, you didn't get any kind of information about</p> <p>12 what caused your episode?</p> <p>13 A. No. They couldn't figure out anything except</p> <p>14 that I had a headache.</p> <p>15 Q. Okay. Next -- to the left of the you</p> <p>16 ?</p> <p>17 A.</p> <p>18 Q. What is that?</p> <p>19 A. It's for hypothyroidism.</p> <p>20 Q. All right. Now, does that have any</p> <p>21 relationship to</p> <p>22 A. No.</p> <p>23 Q. Okay. I'm asking because I don't know. Believe</p> <p>24 me. I also see "Fiorinal."</p> <p>25 A. "Fiorinal."</p>	<p>1 work or exercise."</p> <p>2 A. Uh-huh.</p> <p>3 Q. Now, at that point, had you ever experienced</p> <p>4 excessive fatigue? And by "at that point," I mean when you</p> <p>5 filled this out.</p> <p>6 A. No, no.</p> <p>7 Q. So, in -- but in 1987 --</p> <p>8 A. '87.</p> <p>9 Q. -- you had fatigue, right?</p> <p>10 A. I had -- yeah, I had fatigue, I had -- but the</p> <p>11 big thing with it was the leaden arms. I had real bad lead</p> <p>12 arms and lead legs. And while there was some fatigue, it</p> <p>13 wasn't -- there wasn't with work or exercise. I was just --</p> <p>14 you know, it was just -- I was just tired.</p> <p>15 Q. Okay.</p> <p>16 A. It wasn't caused by work. It wasn't caused by</p> <p>17 exercise. I would just get up and be tired.</p> <p>18 Q. Well, I mean, if you'd get up and be tired, then</p> <p>19 you would be tired at work, right?</p> <p>20 A. Well, but it says "with work or exercise" and</p> <p>21 that's how I read it.</p> <p>22 Q. Okay.</p> <p>23 A. Does -- does work or exercise cause excessive</p> <p>24 fatigue, that's how I read that.</p> <p>25 Q. So, are you saying if this was worded</p>
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<p>1 Q. Thank you. And you have a dash. It says</p> <p>2 "infrequent headaches"?</p> <p>3 A. That's right.</p> <p>4 Q. All right. Looking back on it now, would you</p> <p>5 attribute that to ?</p> <p>6 A. No, because they're a different kind of headache.</p> <p>7 Q. Okay.</p> <p>8 A. That was more for sinus headaches.</p> <p>9 Q. All right. Now, I didn't -- this is nothing I</p> <p>10 would have brought up, but you mentioned it earlier and it's</p> <p>11 on your form. There are two medical abortions at the bottom</p> <p>12 right-hand of this page --</p> <p>13 A. That's right.</p> <p>14 Q. -- that you have listed. That's what we were</p> <p>15 talking about earlier today, right?</p> <p>16 A. That's right.</p> <p>17 Q. Okay. Were you married or not at the time?</p> <p>18 A. Not.</p> <p>19 Q. Was Mr. Lunsford the father of either?</p> <p>20 A. One.</p> <p>21 Q. Okay. All right. Move on. I'm moving on to the</p> <p>22 next page as well. I don't see any -- let's look at the</p> <p>23 page with -- this is 507, again, with your signature on it.</p> <p>24 A. Uh-huh.</p> <p>25 Q. The -- look at No. 24, "Excessive fatigue with</p>	<p>1 differently, you might have put "yes"?</p> <p>2 A. Yeah. If it had said something like "Are you</p> <p>3 tired all the time or have you ever been tired all time?"</p> <p>4 yeah, I would have put "yes."</p> <p>5 Q. Okay.</p> <p>6 A. But to me, that was like -- like I said, during</p> <p>7 work, during exercise, do you get excessively fatigued.</p> <p>8 Q. Okay. So, when you were answering this, you were</p> <p>9 aware that you had experienced excessive fatigue, you just</p> <p>10 didn't attribute it to work or exercise?</p> <p>11 A. That's right. I didn't.</p> <p>12 Q. Okay. When you were answering this, you were</p> <p>13 aware that you might have</p> <p>14 A. I did not think I had</p> <p>15 Q. Well --</p> <p>16 A. I really had convinced myself that I did not have</p> <p>17 it.</p> <p>18 Q. But you were aware that you could have had it</p> <p>19 back in '87 or whatever, right?</p> <p>20 A. I was aware that I could have had it.</p> <p>21 Q. Okay.</p> <p>22 A. But I hadn't had symptoms in 15 years.</p> <p>23 Q. All right.</p> <p>24 A. To me, it was just nothing to even think about.</p> <p>25 Q. Okay. Look at No. 36 also. It says ' or</p>

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1 other blood condition/blood transfusion."
 2 A. Uh-huh.
 3 Q. At that point, had you had -- had you been
 4 diagnosed with anything that would be considered a blood
 5 condition?
 6 A. No, but neither is a blood
 7 condition.
 8 Q. Okay. You noted high blood pressure above that.
 9 A. I did. I noted all kinds of things.
 10 Q. Yes, you did. On bone or joint trouble, you
 11 checked "no." Do you see that one, No. 58?
 12 A. Uh-huh, uh-huh.
 13 Q. Now, at that time, had you had any kind of bone
 14 or joint issues?
 15 A. No. I -- I checked "yes" on , so I was
 16 assuming they meant something other than. Since they asked
 17 that specifically and then came back with "any" -- so, I had
 18 assumed they meant something other than and, no, at that
 19 time, I hadn't had any --
 20 Q. Right, because , I suppose, could be
 21 considered some kind of bone or joint trouble.
 22 A. Yeah. That's when I -- you know, when I first
 23 looked at them, I was going, okay, they ask about this, but
 24 then they come back -- so, I'm assuming it means other than,
 25 so --

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1 Q. Now, does your -- does it create any kind
 2 of bone or joint trouble for you now?
 3 A. Yes, it does.
 4 Q. Okay. What kind? How would you describe it?
 5 A. It's hard for me to sit still for very long at a
 6 certain time because they stiffen up real bad. That's one
 7 of the reasons I need to get up and move around. If you
 8 look under the table, my feet -- my legs aren't usually
 9 still because if I don't keep them moving, they -- they hurt
 10 so bad then when I stand up.
 11 Q. Okay.
 12 A. My hands are -- are the worst. Hands get really,
 13 really -- just really hurt.
 14 Q. Okay. All right. Give me just a second.
 15 On No. 70, you check "yes" for
 16 A. I sure did.
 17 Q. Your last -- the last page of this, you have some
 18 written explanations.
 19 A. Uh-huh, uh-huh.
 20 Q. You say, "I experimented with street drugs as a
 21 youth."
 22 A. Uh-huh.
 23 Q. "I got help."
 24 A. Uh-huh.
 25 Q. Does that say, "None in the last year"?

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1 A. Uh-huh. That says, "None in the last year."
 2 Q. Wouldn't -- I mean --
 3 A. Well, I was just stating, you know, nothing in
 4 the last year. I guess it was just like a -- "with none in
 5 the last year."
 6 Q. Well, when you say "none in the last year"
 7 though, do you mean within the last three years you had?
 8 A. No, no. It just means none -- I don't know why I
 9 put that.
 10 Q. Okay.
 11 A. You know, that's just one of those "duhs."
 12 Q. All right. Because ordinarily you'd expect to
 13 say none in the last couple decades, right, or something
 14 like that? I'm not trying to pin you down.
 15 A. Yeah. Well, maybe. I don't know. I guess I was
 16 trying to say, "Look, I hadn't done anything in the last" --
 17 I don't know.
 18 Q. All right. Did you used to consume alcohol?
 19 A. Yeah, a little bit, but alcohol was never my drug
 20 of choice.
 21 Q. What was? You had to put it like that, didn't
 22 you?
 23 A.
 24 Q. When did you stop using those drugs
 25 approximately?

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1 A. Well, let's see. I really stopped, I guess,
 2 in -- before I turned 20 because I got pregnant.
 3 Q. Uh-huh.
 4 A. I had a couple of times, like, later -- in my
 5 early 30s or something -- where I --
 6 Q. Okay.
 7 A. -- at a party, I'd smoke some , you know, but
 8 nothing that -- I mean, I wasn't ever, like, all the time
 9 doing drugs.
 10 Q. Was this also during your marriage with
 11 Mr. Lunsford?
 12 A. Yeah.
 13 Q. And you've testified that he had an issue with
 14 that stuff.
 15 A. Yeah. And he was always pushing, "Smoke it with
 16 me."
 17 Q. All right. I've got to check this. My wife's
 18 pregnant, very pregnant.
 19 (Discussion off the record at 2:49 p.m.)
 20 Q. (BY MR. McLAUGHLIN) You -- at the end of this
 21 written section you and I were just talking about, you see
 22 where you say "Is this considered an emotional problem?"
 23 A. Right.
 24 Q. What are you asking about there?
 25 A. Well, because, see, I didn't --

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<p>1 Q. Panic disorder?</p> <p>2 A. Yeah.</p> <p>3 Q. Okay.</p> <p>4 A. Because I didn't put over here "emotional</p> <p>5 problem" until -- I wrote it out. I said, "Look, I didn't</p> <p>6 mark it as emotional." I didn't know if it was emotional or</p> <p>7 if it's, you know, physiological or what, and so I just</p> <p>8 explained the whole thing; that if it was, that they'd know</p> <p>9 that I was marking it, yes, if I was --</p> <p>10 Q. Okay. Because you had marked panic disorder</p> <p>11 along with -- you had -- you had raised it with "Pain or</p> <p>12 pressure in the chest," No. 25.</p> <p>13 A. Uh-huh. Right.</p> <p>14 Q. So, what you're doing here after you described</p> <p>15 that is you're saying, "Is it also an emotional problem?"</p> <p>16 A. Exactly.</p> <p>17 Q. Okay. I understand. Now, when -- how long was</p> <p>18 your son sick? We talked about that earlier, but --</p> <p>19 A. Yeah. He -- let's see. This happened right</p> <p>20 after -- it was Christmas Day -- couple of days before</p> <p>21 Christmas and it took him eight to ten months to fully</p> <p>22 recuperate. As far as he puts it, he got his brains back.</p> <p>23 Q. Okay.</p> <p>24 A. It was a long --</p> <p>25 Q. So, on No. 24, you said that you would have --</p>	<p>1 Q. But -- so, at the time, it would be your</p> <p>2 testimony that "Have you ever had excessive fatigue,"</p> <p>3 answer "yes"?</p> <p>4 A. Yes.</p> <p>5 Q. "Have you ever had excessive fatigue with work or</p> <p>6 exercise," answer "no"?</p> <p>7 A. No, because to me that's saying, okay, if I'm</p> <p>8 working or exercising -- in other words, it would be hard to</p> <p>9 do my job because I have this excessive fatigue. That's not</p> <p>10 true. I didn't -- and I don't have -- didn't -- the</p> <p>11 excessive fatigue wasn't caused by work or exercise, which I</p> <p>12 read that as saying excessive fatigue caused by work or</p> <p>13 exercise.</p> <p>14 Q. But it didn't say "caused by," right?</p> <p>15 A. It says "with."</p> <p>16 Q. So, at some point, if you had excessive fatigue,</p> <p>17 you would have had excessive fatigue with work, right?</p> <p>18 A. That's not what it asks.</p> <p>19 Q. Well, you would have had excessive fatigue at</p> <p>20 work -- if it had said "excessive fatigue at work," would</p> <p>21 you have checked "yes" or "no"?</p> <p>22 A. At work, no, I -- probably not because I wasn't</p> <p>23 working. I mean, I wasn't working. I was --</p> <p>24 Q. Well, we're always working.</p> <p>25 A. Yeah. I mean, I was going to school and being an</p>
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<p>1 it's the words "with work or exercise," I guess, you say</p> <p>2 that caused you to answer that "no."</p> <p>3 A. Yeah. I mean, to me, it was -- that's not --</p> <p>4 Q. Why didn't you -- did you not feel any -- any</p> <p>5 need to clarify that like you did with the pain or pressure</p> <p>6 in chest and so forth and so --</p> <p>7 A. No. I just -- I didn't think I had</p> <p>8 didn't think there was anything -- to me,</p> <p>9 excessive -- I just never even thought about.</p> <p>10 Q. I understand what you're saying there. And this</p> <p>11 doesn't even ask specifically and</p> <p>12 A. Right, it doesn't.</p> <p>13 Q. It says -- it says "Excessive fatigue with work</p> <p>14 or exercise." Now, if you just stopped at "with excessive</p> <p>15 fatigue" and if you go to the top and it says "Have you ever</p> <p>16 had or do you now have," if it just said "excessive</p> <p>17 fatigue," you would have checked "yes"?</p> <p>18 A. I would have checked "yes."</p> <p>19 Q. All right. So then is it your testimony -- well,</p> <p>20 when you were filling this out, did you debate with yourself</p> <p>21 about whether this is a "yes" or a "no"?</p> <p>22 A. Not -- no more than a half a second.</p> <p>23 Q. Okay.</p> <p>24 A. I looked at it, I read it, "with work or" --</p> <p>25 nope. That's -- I don't have that, don't have that.</p>	<p>1 at-home mom.</p> <p>2 Q. Which is a lot of work, right?</p> <p>3 A. Yeah. But, I mean, it is what it is. It says</p> <p>4 "with work or exercise." That's -- that's how I read it.</p> <p>5 That's how I -- I mean, to me, that meant because of work or</p> <p>6 exercise; and, no, I never had work -- excessive fatigue</p> <p>7 because of work or exercise.</p> <p>8 Q. All right. Okay. So, ultimately, obviously, you</p> <p>9 went and filed an EEOC charge. --</p> <p>10 A. I did.</p> <p>11 Q. -- right?</p> <p>12 A. Yes.</p> <p>13 Q. Have you ever filed an EEOC charge before?</p> <p>14 A. I have not.</p> <p>15 Q. Did you ever talk to any lawyers about the</p> <p>16 situation?</p> <p>17 A. I talked to a friend.</p> <p>18 Q. A friend who is also a lawyer?</p> <p>19 A. That's a lawyer, yes.</p> <p>20 Q. Okay.</p> <p>21 (Discussion off the record at 2:54 p.m.)</p> <p>22 (Netterville Exhibit No. 12 marked.)</p> <p>23 Q. (BY MR. McLAUGHLIN) Who is this friend?</p> <p>24 A. His name is Charles Kirkland.</p> <p>25 Q. What kind of law does he do, do you know?</p>

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1 A. **Think he does personal injury.**
 2 Q. Okay.
 3 A. **But I'm not sure.**
 4 Q. All right. Did you talk to him about taking your
 5 case?
 6 A. **No, no.**
 7 Q. All right. Okay. So, at any rate, you end up at
 8 the EEOC. I don't really want to know what you said to any
 9 lawyers or any of that. And in front of you marked as No.
 10 12, would you identify the document, please?
 11 A. **Charge of Discrimination.**
 12 Q. Okay. Is it your signature at the bottom?
 13 A. **It is.**
 14 Q. You have two signatures on this document, right?
 15 A. **Uh-huh.**
 16 Q. One is 03-26-03, correct?
 17 A. **Uh-huh.**
 18 Q. The other is 08-16-03, right?
 19 A. **Right.**
 20 Q. Look right above your 08-16-03 signature. It
 21 says "I wish to amend my charge to include retaliation due
 22 to my termination in violation of the Americans with
 23 Disabilities Act." Do you see that?
 24 A. **I see it.**
 25 Q. Do you know what -- what are you saying there, do

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1 you know?
 2 A. **Let's see. Olga --**
 3 Q. Castaneda.
 4 A. **-- yes -- called me and she said that the board,**
 5 **whoever, reviewed it, felt like that it was more than just**
 6 **discrimination, that Chevron Phillips has retaliated against**
 7 **me, and they felt like that the charge should be upgraded**
 8 **and she sent me the paperwork to sign and --**
 9 Q. Okay. So, in other words, this is nothing you
 10 thought of, it's something that Ms. Castaneda suggested.
 11 A. **(Witness nods head affirmatively.)**
 12 Q. The amendment, I mean.
 13 A. **Yes.**
 14 Q. Okay. Obviously, the charge was -- was your
 15 idea --
 16 A. **Right.**
 17 Q. -- originally. Okay.
 18 A. **Right.**
 19 Q. So, originally, if you look at the Roman Numeral
 20 I there -- just take a second to read that and I'll do the
 21 same.
 22 A. **(Witness complies.)**
 23 Q. Actually, it would be No. 3, I guess, that I
 24 would be asking you about. Says "I believe I have been
 25 discriminated against because of being regarded as having a

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1 disability in violation of the Americans with Disabilities
 2 Act." Do you see that?
 3 A. **I see that.**
 4 Q. Who regarded you as having a disability?
 5 A. **Who regarded me?**
 6 Q. Yeah. Look at the verbiage again if you need to.
 7 You say "I believe I've been discriminated against because
 8 of being regarded as having a disability."
 9 A. **Uh-huh.**
 10 Q. Who do you believe regarded you as having a
 11 disability?
 12 A. **Well, I didn't do the actual verbiage.**
 13 Q. Understood. You signed it though, right?
 14 A. **Yeah, yeah. They said, "Sign here." I signed**
 15 **here.**
 16 Q. Okay. Are you basically -- I'm not trying to put
 17 words in your mouth.
 18 A. **Okay.**
 19 Q. Are you basically saying you don't really know
 20 what that means?
 21 A. **Well, I believe that -- that -- do I have a**
 22 **disability? Yes, I do. I have**
 23 **which greatly affects my life.**
 24 Q. Okay. But what I'm getting to is the whole
 25 "regarded as having a disability." That's --

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1 A. **Yeah. I don't know why it was worded like that.**
 2 Q. That's fine. Okay. That's fine. Now, do you --
 3 it's fair to say sitting here today that you believe you
 4 were discriminated against because of this disability you
 5 mentioned, right?
 6 A. **Yes.**
 7 Q. Do you also feel like you were retaliated
 8 against?
 9 A. **Yes.**
 10 Q. For what?
 11 A. **I think I was retaliated against by -- by firing**
 12 **me, by not even discussing with me --**
 13 Q. But retaliation for what? In other words, what
 14 do you think you did that caused the company, in your
 15 opinion, to retaliate against you?
 16 A. **I'm thinking.**
 17 Q. Okay.
 18 A. **Okay. I'm not -- I'm not going anywhere. I'm**
 19 **thinking.**
 20 Q. That's fine.
 21 A. **Okay. I guess I considered the whole way they**
 22 **went about it a retaliation for -- I didn't -- I didn't feel**
 23 **like I had done anything to be fired for.**
 24 Q. Okay. But my question to you -- and I'm going to
 25 try to maybe clarify it a little bit.

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1 A. Okay.
 2 Q. First off, you understand that the EEOC is suing
 3 Chevron Phillips, right?
 4 A. I do.
 5 Q. In a sense, do you understand also that you,
 6 Lorin Netterville, are not technically suing Chevron
 7 Phillips; you're, rather, a claimant in an action the EEOC's
 8 bringing?
 9 A. Right.
 10 Q. Okay. I -- I make the distinction only because
 11 it's conceivable that you're not really sure what the
 12 retaliation claim is all about and if your answer is -- if
 13 that's your answer, "I'm not really sure of the
 14 technicalities of it," that's fine, we can move on. I'm not
 15 suggesting you should say that. I'm just suggesting that if
 16 that's your answer, you don't have to try to, you know, come
 17 up with something.
 18 A. Yeah. Well, I'm thinking about it.
 19 Q. I understand.
 20 A. I just -- you know --
 21 Q. Your --
 22 A. -- Olga -- she said, "Lorin, this is what we
 23 think and we want you to sign it."
 24 Q. Okay. That's fine. To sum it up, the
 25 retaliation claim's in here not because it occurred to you

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1 that you had been retaliated against but because the
 2 investigator on the file suggested putting it in there,
 3 correct?
 4 A. No. She said that -- the board.
 5 Q. Understood.
 6 A. I don't know what that meant. I don't know who
 7 that was.
 8 Q. That's fine.
 9 A. But she just said the board who reviewed it felt
 10 like it was more than just discrimination.
 11 Q. Now, on the discrimination issue though, the
 12 disability issue there, you have -- you have a feeling --
 13 you have an opinion, a belief -- you feel like you were
 14 discriminated against because you have
 15 syndrome, correct?
 16 A. That's correct.
 17 Q. And you feel like you were terminated because you
 18 have chronic fatigue syndrome?
 19 A. That's right.
 20 Q. Okay. Very good. Now, you started to mention
 21 this. We might as well go into it now. How does the
 22 condition, the impairment, affect
 23 your life?
 24 A. I don't really have a life. I pretty much -- the
 25 weekends are spent in bed to recuperate, be able to work

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1 during the week.
 2 Q. Correct.
 3 A. The -- I hurt all the time. I have foggy brain a
 4 lot. The Cymbalta has helped with the foggy brain, but it
 5 still -- there are times that it gets very bad. I've had a
 6 couple of episodes this week of real bad foggy brain. And
 7 when I say "foggy brain," it's like you -- you can't think
 8 of words that you know, you know, you can't -- it's like
 9 you're moving around in this dense thickness that you can't
 10 figure out which way is out.
 11 I don't sleep without medication. Then there's
 12 days that I have slept almost 24 hours. At least twice a
 13 month that happens where I'll sleep 17, 18 hours straight.
 14 I -- I mean, I don't have a social life at all. The biggest
 15 social life I have is on birthdays that I'll go to the
 16 restaurant, you know, and -- and eat with the family.
 17 Q. So, you don't go to restaurants other than
 18 birthdays?
 19 A. Birthdays or every once in a while, on Sunday,
 20 we'll have Sunday dinner; but we do it, you know, at a
 21 restaurant so nobody has to clean up and, you know, which --
 22 that's -- that's about the extent.
 23 Q. Okay.
 24 A. Really, I don't go to parties, I don't go -- I go
 25 twice a month to church.

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1 Q. You only go twice a month to church?
 2 A. Uh-huh.
 3 Q. Okay. , you mentioned that earlier.
 4 A. Uh-huh.
 5 Q. When did you start taking it, couple years ago?
 6 A. Yeah, right after -- I think it's right after it
 7 came out.
 8 Q. Okay.
 9 A. So, I think it's about two years ago.
 10 Q. What did you take before for whatever it
 11 does?
 12 A. I don't remember if it was
 13 Q. How do you spell that?
 14 A.
 15 Q. Okay.
 16 A. It was either I know at one
 17 point, you know, I took then I took , and I
 18 think then I went back to at one time.
 19 Q. For the panic attacks?
 20 A. Uh-huh.
 21 Q. Did you also take for the .
 22 .
 23 A. Yeah. I mean, as it --
 24 Q. For the depression aspect of it?
 25 A. Right. As it progressed, I did.

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<p>1 Q. What is do you know?</p> <p>2 A. is an antidepressant and they use it also</p> <p>3 for panic disorder.</p> <p>4 Q. Now, the thing about is it's a</p> <p>5 combination, right?</p> <p>6 A. Uh-huh.</p> <p>7 Q. It's an antidepressant and for --</p> <p>8 A. Pain.</p> <p>9 Q. -- pain. Okay. What were you taking for the</p> <p>10 pain prior to , if there was something different?</p> <p>11 A. I was taking and --</p> <p>12 Q. Okay. Which you're still taking, right?</p> <p>13 A. Yeah.</p> <p>14 Q. Okay. And as well?</p> <p>15 A. I think that's what --</p> <p>16 Q. Is that what it's called,</p> <p>17 A. , uh-huh. Well, I take the generic form.</p> <p>18 Q. All right. The , has that -- you said</p> <p>19 earlier that was something that made a big difference.</p> <p>20 A. It does. It makes a big difference.</p> <p>21 Q. So, have your symptoms alleviated since you</p> <p>22 started taking it?</p> <p>23 A. I would say my foggy brain part has -- has.</p> <p>24 The -- and some of the neck and shoulder pain --</p> <p>25 Q. All right.</p>	<p>1 cause severe pain at times.</p> <p>2 Q. Right. Is it -- has it caused any vision</p> <p>3 impairments?</p> <p>4 A. Every once in a while, you know, I've had some --</p> <p>5 actually, Sunday, I had some problems with my vision that</p> <p>6 was really pretty funky, but --</p> <p>7 Q. Is that rare?</p> <p>8 A. I wouldn't say "rare." I wouldn't say it occurs</p> <p>9 every day. Probably several times a month I'll have vision</p> <p>10 problems.</p> <p>11 Q. Okay. All right. Does it cause any breathing</p> <p>12 issues?</p> <p>13 A. No. The -- other than sleep apnea. I've now got</p> <p>14 sleep apnea with it --</p> <p>15 Q. Okay.</p> <p>16 A. -- and --</p> <p>17 Q. But that -- you don't know whether -- is that</p> <p>18 from chronic fatigue syndrome or is that --</p> <p>19 A. Well, it -- you know, they don't know if it</p> <p>20 causes it. They do know that it is one of those things that</p> <p>21 seems to occur a lot in people with chronic fatigue.</p> <p>22 Q. Okay.</p> <p>23 A. So, at this point, they don't know.</p> <p>24 Q. All right. Give me just a second here. I think</p> <p>25 we're closing in.</p>
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<p>1 A. -- has alleviated.</p> <p>2 Q. Has that rendered any improvement in your life,</p> <p>3 your day-to-day life?</p> <p>4 A. Well, as far as being able to work, it's helped.</p> <p>5 Do I -- it's not where -- I mean, I'm still, you know, where</p> <p>6 I just don't have any kind of social life. It just isn't</p> <p>7 possible. If I try to do it, I land up in bed for a week.</p> <p>8 I mean, that's just how it is.</p> <p>9 Q. Okay.</p> <p>10 A. You -- for every -- they have a little thing they</p> <p>11 give you. For every 8 hours when you're in a -- when you're</p> <p>12 in an active cycle, for every 8 hours of -- of up you do,</p> <p>13 you know -- every 8 hours of activity -- I'm sorry -- you</p> <p>14 should get 16 hours of rest --</p> <p>15 Q. Okay.</p> <p>16 A. -- okay? When you're inactive, they'll still</p> <p>17 tell you for every four hours activity, you should get four</p> <p>18 hours rest.</p> <p>19 Q. Okay. Well -- so, with chronic fatigue syndrome</p> <p>20 you're able to work, right?</p> <p>21 A. I'm able to work, yeah.</p> <p>22 Q. You can walk.</p> <p>23 A. Most the time.</p> <p>24 Q. Okay.</p> <p>25 A. I mean, I -- it's not that I -- I mean, it can</p>	<p>1 (Discussion off the record from 3:08 p.m. to</p> <p>2 3:09 p.m.)</p> <p>3 (Netterville Exhibit No. 13 marked.)</p> <p>4 Q. (BY MR. McLAUGHLIN) Here's No. 13.</p> <p>5 MR. McLAUGHLIN: Here you go, Rudy.</p> <p>6 MR. SUSTAITA: Thank you.</p> <p>7 Q. (BY MR. McLAUGHLIN) Not going to ask you a lot</p> <p>8 about this, again, Ms. Netterville. I just wanted to</p> <p>9 confirm that it -- maybe it is. Is any of this in your</p> <p>10 handwriting? I'm guessing the top part isn't and the part</p> <p>11 right under --</p> <p>12 A. Yeah. The disability thing is.</p> <p>13 Q. Okay. When you say that -- let me stop you a</p> <p>14 minute. Is it under the part that says, "Do you believe</p> <p>15 that you've been discriminated against because of,"</p> <p>16 etcetera?</p> <p>17 A. Uh-huh.</p> <p>18 Q. "If yes, describe below"?</p> <p>19 A. Uh-huh.</p> <p>20 Q. Okay. That part's in your handwriting?</p> <p>21 A. Uh-huh.</p> <p>22 Q. And you say, "I was diagnosed with chronic</p> <p>23 fatigue in 1987."</p> <p>24 A. Uh-huh.</p> <p>25 Q. You see that?</p>

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<p>1 A. Uh-huh.</p> <p>2 Q. That's in your handwriting?</p> <p>3 A. Uh-huh.</p> <p>4 Q. Okay. "After treatment, I had no" -- etcetera --</p> <p>5 "no problems." Okay. Then you said, "About a year ago, new</p> <p>6 symptoms appeared." Am I reading that right?</p> <p>7 A. Uh-huh.</p> <p>8 Q. At the bottom, is that your signature?</p> <p>9 A. Uh-huh.</p> <p>10 Q. And to the right, that date, March 25, '03, is</p> <p>11 that in your handwriting?</p> <p>12 A. Uh-huh.</p> <p>13 Q. Okay. All right. Do you remember filling out</p> <p>14 this form?</p> <p>15 A. Vaguely.</p> <p>16 Q. Do you know -- did you do that here at the EEOC's</p> <p>17 offices?</p> <p>18 A. Uh-huh.</p> <p>19 Q. This was around the time you filed your EEOC</p> <p>20 charge, correct?</p> <p>21 A. Uh-huh.</p> <p>22 Q. Okay.</p> <p>23 MR. McLAUGHLIN: All right. Why don't we</p> <p>24 take a short one, Rudy, let me see if I can get done.</p> <p>25 (Recess from 3:11 p.m. to 3:24 p.m.)</p>	<p>1 that chronic fatigue syndrome occurs in families?</p> <p>2 A. Yes, I have.</p> <p>3 Q. Okay. So, there's at least some -- from what</p> <p>4 you've read -- and I'm not asking if you know personally</p> <p>5 really, but what from you've read or heard, there's some</p> <p>6 opinion out there in the medical community that it can be</p> <p>7 hereditary?</p> <p>8 A. Yeah.</p> <p>9 Q. Has anyone else in your family had it?</p> <p>10 A. Yes.</p> <p>11 Q. Who else?</p> <p>12 A. Both of my sisters, and I have five or six</p> <p>13 cousins.</p> <p>14 Q. Five or six cousins who have had it?</p> <p>15 A. Uh-huh.</p> <p>16 Q. Okay. So, one sister had it in the early</p> <p>17 Nineties?</p> <p>18 A. Uh-huh.</p> <p>19 Q. When I say "had it," I don't mean it's gone now,</p> <p>20 but she apparently had an episode.</p> <p>21 A. Uh-huh, uh-huh.</p> <p>22 Q. Is that two years in bed thing you were talking</p> <p>23 about?</p> <p>24 A. Uh-huh, uh-huh.</p> <p>25 Q. And did she literally, aside from taking a shower</p>
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<p>1 Q. (BY MR. McLAUGHLIN) We're back on the record</p> <p>2 after a short break. Ms. Netterville, we're almost done,</p> <p>3 I'm pleased to report.</p> <p>4 A. Okay.</p> <p>5 Q. Do you have anything you need to add to any prior</p> <p>6 testimony?</p> <p>7 A. No.</p> <p>8 Q. Okay. Do you keep a calendar or did you --</p> <p>9 better question is: Did you keep a calendar during the</p> <p>10 events in question back in 2003?</p> <p>11 A. I don't think so. I don't keep a calendar.</p> <p>12 Q. Well, we talked about a journal or whatever and I</p> <p>13 should have asked you then.</p> <p>14 A. Yeah. No, I don't have a calendar.</p> <p>15 Q. All right. What -- when did your sister have</p> <p>16 this episode or whatever it was of chronic fatigue syndrome?</p> <p>17 A. Now, you know what? I can't -- I don't know</p> <p>18 exactly the years.</p> <p>19 Q. But it --</p> <p>20 A. I know it was -- was it -- I'm trying to go</p> <p>21 backwards in my mind so I can figure out when. Maybe early</p> <p>22 Nineties.</p> <p>23 Q. All right.</p> <p>24 A. Early to mid Nineties.</p> <p>25 Q. Have you ever heard anything to make you believe</p>	<p>1 and eating and stuff like that --</p> <p>2 A. She was literally in bed.</p> <p>3 Q. Okay. What sister was this?</p> <p>4 A. That was Danna.</p> <p>5 Q. Yes. What's her last name again?</p> <p>6 A. Curlee.</p> <p>7 Q. What's your other sister's name?</p> <p>8 A. Leslie, L-e-s-l-i-e, Karvelis, K-a-r-v-e-l-i-s.</p> <p>9 She had it late Nineties, early -- maybe early 2000/2001.</p> <p>10 Q. Okay. Did either parent have it, your mom?</p> <p>11 A. We believe my dad did.</p> <p>12 Q. Don't know for sure?</p> <p>13 A. No.</p> <p>14 Q. What about these cousins? Approximately when did</p> <p>15 they experience it?</p> <p>16 A. Let's see. Yeah. Most of them, I don't really</p> <p>17 know. I just know about it from family conversations,</p> <p>18 but -- except for I have a cousin, Cheryl. She's actually a</p> <p>19 cousin on both sides of the family and she's got it right</p> <p>20 now really bad. She's in bed right now.</p> <p>21 Q. Okay. Now, we talked about your visiting with</p> <p>22 Dr. Salvato in 1987.</p> <p>23 A. Uh-huh.</p> <p>24 Q. Between 1987 and, I guess, when you started your</p> <p>25 employment at Chevron Phillips, did you have any health</p>

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<p>1 issues or were you basically healthy as a horse, no 2 problems? 3 A. Well, I wouldn't say "healthy as horse." I 4 had -- I was diagnosed with during that 5 period. 6 Q. Okay. 7 A. Was diagnosed with 8 Q. All right. I guess panic attacks as well, right? 9 A. Panic attacks, yeah. 10 Q. What else? 11 A. Can I see that list? 12 Q. Yeah. Which list are you talking about? 13 A. The one that has my -- 14 Q. The questionnaire? 15 A. Yeah, that has about the medicines, because then 16 I can tell you what I was taking it for. 17 Q. It should be in your stack, I hope. 18 MR. SUSTAITA: Exhibit 11? 19 A. That's it. Thank you. 20 Q. (BY MR. McLAUGHLIN) Sure. I'll try to find my 21 copy and read it along with you. 22 A. Oh, recurrent sinus infections -- 23 Q. Okay. 24 A. -- and -- 25 Q. Asthma, I guess, right?</p>	<p>1 and so I had to choose -- you know, Kelsey-Seybold was on 2 almost everything, so that's why I chose Kelsey-Seybold so 3 much because they were on all the HMOs. 4 Q. All right. So, they dealt with you on all these 5 issues -- 6 A. Most of them, yeah. 7 Q. Do you remember any other physicians you saw 8 besides Salvato? 9 A. I know one of the Kelsey-Seybold guys was 10 named -- but I don't know his first name -- Dr. Brown. 11 There was a guy that I saw for quite sometime and he was 12 mainly for my high blood pressure. His name is Ryan O'Neal, 13 I think. 14 Q. Like the actor? 15 A. Or was it Neal Ryan? You know, it's one of -- 16 Q. All right. 17 A. I know it's one of the -- he was downtown on -- 18 not downtown. He was on Fannin Street -- 19 Q. Okay. 20 A. -- in Scurlock Towers or something like that. 21 Q. All right. Very good. 22 A. But mostly Kelsey-Seybold and -- 23 Q. Okay. 24 A. -- Dr. O'Neal or Dr. Ryan, whichever one it was. 25 I'm really leaning towards Ryan Neal or Ryan O'Neal.</p>
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<p>1 A. Yeah. Well -- 2 Q. Or did that came before 1987? 3 A. Oh, yeah. I've had since I was a kid. I 4 started out life with . Came out the womb going -- 5 Q. So did my youngest son. We're talking about this 6 period from 1987 to -- 7 A. Okay. Let's see. Yeah. I guess that's -- the 8 sinus infections -- 9 Q. Okay. 10 A. -- the hypertension. I was taking for 11 allergies. I didn't know how bad they were until recently 12 and have found out that I'm allergic to everything they 13 tested me for. And when they put me on three different 14 medications, it sure helped with those sinus infections. 15 Whoo-hoo. The and the the 16 17 Q. Okay. 18 A. Yeah. 19 Q. Why didn't you see Dr. Salvato more after the 20 period you saw her in 1987? 21 A. Well, she wasn't on my insurance most the time. 22 And then there were periods that I didn't have any insurance 23 and I didn't have \$160 to go see her. 24 Q. Right. 25 A. So, most the time, the insurance I had were HMOs</p>	<p>1 Q. Okay. Very good. Does Dr. Salvato specialize, 2 do you know? 3 A. In In e? 4 Q. Yes. 5 A. Yeah, she does. That and AIDS, immunodeficiency. 6 She's an internal medicine and she manages my blood 7 pressure. Has done it better than anybody else, has got it 8 where it's stable. 9 Q. Okay. Earlier, you talked about active versus, I 10 guess, inactive episodes of chronic fatigue syndrome. 11 A. Uh-huh, uh-huh, uh-huh. 12 Q. Roughly speaking -- I mean, yours isn't always 13 active is it, or is it? 14 A. It has been since 2002. 15 Q. It has been constantly active? 16 A. Yeah. 17 Q. What about before that? 18 A. Well, I didn't have any -- between 1987 and 2002, 19 I had no symptoms. 20 Q. Okay. 21 A. I didn't have any -- 22 Q. All right. So, it was -- this is probably the 23 wrong characterization; but if you had it in 1987, it was 24 kind of in remission until whenever it came again? 25 A. I guess, I mean, if that's the way it was. I</p>

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1 **mean, I just don't know. I just know I had no symptoms.**

2 Q. Okay. So, it has been constantly active since

3 2002?

4 A. **Yes, it has.**

5 Q. All right. Do you exercise?

6 A. **What I'm able. Not supposed to do aerobic**

7 **exercises at all, anything that gets the heart rate up.**

8 Q. Right.

9 A. **It's supposed to be more anaerobic. Am I good**

10 **about it? No, I'm not.**

11 Q. When you say "anaerobic," are you talking about

12 weight-lifting, stuff like that?

13 A. **Yeah, light weight-lifting.**

14 Q. Right.

15 A. **If you walk, it's supposed to be short, slow.**

16 Q. Kind of like with MS. You're not supposed to get

17 real hot with MS, too, right?

18 A. **Right. And the fibromyalgia which I've been --**

19 **now they've added that to mine, so I've got --**

20 Q. They've added it to your what?

21 A. **To my diagnosis.**

22 Q. What is that? What's your understanding of it?

23 A. **Fibromyalgia is a muscular disease. Not**

24 **"disease." Syndrome.**

25 Q. Okay.

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1 A. **There's, like, 18 hot points that --**

2 Q. All right. Today, while we've been talking --

3 you've mentioned foggy brain, you know, during the course of

4 our conversation. Have you had that problem today?

5 A. **Couple times. I mean, I -- yeah.**

6 Q. The -- go ahead.

7 A. **You know, when -- when I'm trying to think of a**

8 **word -- I mean, several times, I can't find a word. I mean,**

9 **that's -- it's not as severe -- nearly as severe as what it**

10 **can be; but, yeah, couple times I've had, like -- okay. I**

11 **know that word. I know that word, you know.**

12 Q. Has it affected your ability to understand my

13 questions?

14 A. **I don't think so.**

15 Q. It's been more a matter of your --

16 A. **Inner processing.**

17 Q. Searching for the right word or something like

18 that?

19 A. **Uh-huh, uh-huh, uh-huh.**

20 Q. Okay. All right. So, you know, except for the

21 times when you've told me, "I don't understand your

22 question," you have understood my questions today, correct?

23 A. **Uh-huh.**

24 Q. And --

25 A. **Yes.**

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1 Q. Okay.

2 A. **Yes. I'm sorry.**

3 MR. McLAUGHLIN: Okay. I'll pass the

4 witness.

5 (3:35 p.m.)

6 EXAMINATION

7 BY MR. SUSTAITA:

8 Q. I just have a few follow-up questions,

9 Ms. Netterville.

10 MR. McLAUGHLIN: Oh, you're killing me, man.

11 MR. SUSTAITA: Sorry.

12 Q. (BY MR. SUSTAITA) You testified earlier about

13 having symptoms associated with chronic fatigue in 1987.

14 How long did those symptoms last?

15 A. **About six weeks.**

16 Q. I want to turn your attention to what's been

17 marked Exhibit No. 11 to your deposition.

18 MR. McLAUGHLIN: Which one is that?

19 MR. SUSTAITA: That's the questionnaire.

20 MR. McLAUGHLIN: Okay.

21 Q. (BY MR. SUSTAITA) When you filled this out, had

22 you been -- had you been offered a job by Chevron?

23 A. **Yes.**

24 Q. You testified earlier about working overtime at

25 Chevron. Can you describe what you were doing in terms of

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1 working overtime?

2 A. **Yeah. During June and July of 2002, I was**

3 **working -- well, I had checks with 30, 40 hours of overtime**

4 **on them because we were getting ready for the move and I**

5 **would -- not only had -- not only had to do my duties but --**

6 **my regular duties but then was having to pack up boxes and**

7 **get people -- different areas ready for the move and pulling**

8 **boxes, you know, and stacking boxes and just getting the**

9 **area ready for the move. And I couldn't get that done**

10 **during the day because I had my regular duties, so I was**

11 **staying at night, 9:00, 10:00 o'clock at night.**

12 Q. Did you work on weekends?

13 A. **Several times I did.**

14 Q. How did that affect you?

15 A. **Well, that's really what I -- how I felt like I**

16 **really started going downhill because I was having so much**

17 **physical exercise and so much physical -- not getting enough**

18 **rest. I was not getting enough rest at all because we**

19 **worked nine-hour days, so that meant I had to be at work at**

20 **6:45, 7:00 o'clock in the morning. I was at work until**

21 **9:00, 10:00 o'clock at night, so --**

22 Q. Why did you sign up with Dr. Salvato in 2002?

23 A. **Well, she was an internal medicine person, I was**

24 **familiar with her, my sisters went to her, and I needed**

25 **someone really to manage my blood pressure -- because it was**

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1 so volatile -- and I knew as an internal medicine person she
2 would most likely be able to do that.
3 Q. Can you describe how being fired from Chevron
4 affected your life?
5 A. I felt -- I felt completely worthless. I cried a
6 lot. I just -- I thought that -- that I was a really bad
7 person, that I just -- you know, I couldn't do anything
8 right, that I couldn't -- see, for long time, I didn't even
9 want to go look for another job because I just didn't
10 believe I deserved another job. I didn't think I could get
11 another job because I had been fired and I would have to put
12 that on a resume, that I had been fired on my -- not the
13 resume, the application. I think you're going to have to
14 put that there.
15 And it was just a really black time. I just
16 really -- I was the only one taking care of myself. There
17 was nobody else to take care of me, you know, and I was
18 scared. I didn't know what I was going to do. I didn't
19 know how I was going to be able to take care of myself.
20 Q. How did it affect you physically, if at all?
21 A. The emotional -- the real emotional caused me to
22 be in more pain and -- and it caused things, you know, where
23 it was hard to get out of bed, it was hard to do things
24 because I just couldn't -- the -- to -- I have to -- had no
25 motive. I just really thought -- I really thought that I

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1 was just completely worthless. I felt like -- for some
2 reason, I felt like -- that there was no way that it was
3 ever going to be okay again. And I know that's crazy, but
4 that's how I felt.
5 Q. Now, you testified earlier about being in a
6 depression. Have you ever been diagnosed with depression?
7 A. I don't think I've been diagnosed, per se. I
8 think that depression can -- does come with
9 Maybe -- I guess maybe when Tim -- what happened with Tim
10 and I had the panic attacks and the depression. I -- I
11 remember the doctor saying, you know, that you're depressed,
12 "You just" -- "this is a bad time," you know, that kind of
13 thing, but I don't think -- other than -- I
14 don't think I've ever actually said, you know, "You have,
15 like, stand-alone depression."
16 Is that what you're asking, you know, or are you
17 asking -- I mean, the depression is part of --
18 Q. Okay. Now, you testified earlier about being in
19 bed.
20 A. Uh-huh.
21 Q. Were you in bed after -- any length of -- period
22 of time after being fired by Chevron?
23 A. For two months, I hardly got out of the bed. I
24 wasn't going anywhere. I --
25 Q. And why -- and why did you stay in bed?

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1 A. Because I saw no reason to get out.
2 Q. Do you think -- were you in bed because you were
3 fired by Chevron?
4 A. No. I wasn't there before I was fired. Yeah, I
5 think I was in bed because I was fired.
6 Q. You testified about -- scratch that.
7 Did you have any other symptoms associated with
8 your firing from Chevron?
9 A. The sleep became a real issue.
10 Q. Can you describe that?
11 A. I would not be able to sleep for days. I'd lay
12 in bed and not be able to sleep for days.
13 Q. How soon after being fired from Chevron did that
14 happen?
15 A. Well, the first night that -- I didn't sleep for
16 probably the first 48 hours after being fired.
17 Q. How long did these sleep irregularities continue?
18 A. It's still going on. I still -- I couldn't -- I
19 mean, I -- Saturday night, I didn't go to sleep until 6:00
20 o'clock -- Friday night, I didn't go to sleep until 6:00
21 o'clock.
22 Q. Did you have that type of irregularity prior to
23 being fired by Chevron?
24 A. No.
25 Q. Earlier, you were asked about retaliation.

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1 Why -- why do you think that you were fired by Chevron?
2 A. Because I had
3 Q. Do you believe that bringing that issue to their
4 attention caused your termination?
5 A. Yes, I do.
6 Q. Do you believe that asking for a reasonable
7 accommodation caused your termination?
8 A. Yes, I do.
9 Q. And I just want to make sure I understand your
10 testimony. Exhibit No. 11, did you fill this out before or
11 after you were made an offer of a job by Chevron?
12 A. I was -- I was --
13 MR. McLAUGHLIN: Objection. Asked and
14 answered.
15 You can go ahead.
16 A. The offer was made. My understanding was until I
17 filled this out, I wasn't an employee. And that's what
18 the -- the thing says that -- the letter said "As of April
19 16th, you are an employee." I was given the offer of
20 employment on April 3rd. I filled this out during that
21 time. Then it says my official date of hire is April 16th.
22 So, I believed that this was a condition of employment.
23 Q. (BY MR. SUSTAITA) I'm going to turn your
24 attention to Item No. 24 on Page 5 of 7 of Exhibit No. 11 to
25 your deposition. When you answered that particular

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<p style="text-align: right;">Page 182</p> <p>1 question, were you being deceptive?</p> <p>2 A. No, I was not.</p> <p>3 Q. I'm going to take you back to 2002 and 2003</p> <p>4 regarding your chronic fatigue as you were then. What were</p> <p>5 your symptoms in place in 2002, early 2003?</p> <p>6 A. Well, extreme fatigue, foggy brain. I was having</p> <p>7 problems waking up in the morning. And, you know, as -- we</p> <p>8 had to be to work a quarter to 6:00. I was driving 50</p> <p>9 miles. And more than once, I went to sleep on the way to</p> <p>10 work. Several times that bump, bump, bump stuff, you know,</p> <p>11 the stuff they put on the side of the road to make you wake</p> <p>12 up, I more than once had that waking me up. And I didn't</p> <p>13 have that before. I didn't have the problem of going to</p> <p>14 sleep.</p> <p>15 Q. Any other symptoms?</p> <p>16 A. I had a lot of -- my arms and legs were hurting.</p> <p>17 Started having restless leg syndrome. Oh, my gosh.</p> <p>18 Q. Restless what?</p> <p>19 A. Restless leg syndrome. It's your legs -- the</p> <p>20 muscles in your legs, they feel like they're tightening up,</p> <p>21 tightening up. You have to move your legs.</p> <p>22 Q. Any others?</p> <p>23 A. Can wake you out of dead sleep in the middle of</p> <p>24 the night.</p> <p>25 Q. Any other symptoms?</p>	<p style="text-align: right;">Page 184</p> <p>1 episodes?</p> <p>2 A. Anywhere from just a few minutes to -- I've had</p> <p>3 it last as long as an hour, hour-and-a-half.</p> <p>4 Q. How many times a day or a month or week?</p> <p>5 A. I would say probably four or five times a month</p> <p>6 at least I have the eye problems.</p> <p>7 Q. The foggy brain, again, going back to 2002-2003,</p> <p>8 how long would that last, those episodes of foggy brain?</p> <p>9 A. Yeah. That can last from just, like, seconds</p> <p>10 to -- I have had it last all day. It can literally last all</p> <p>11 day.</p> <p>12 Q. Is that something that you -- when did it -- when</p> <p>13 did it start and when did it stop?</p> <p>14 A. I didn't start having the foggy brain until June</p> <p>15 or July of 2002.</p> <p>16 Q. And do you still have it or did it stop?</p> <p>17 A. Yes. No. Foggy brain is something I fight all</p> <p>18 the time.</p> <p>19 Q. So, lasts seconds to all day. How often does</p> <p>20 that happen, monthly or weekly?</p> <p>21 A. The seconds is a weekly thing. The all day I've</p> <p>22 had happen probably seven or eight times. So, it's, you</p> <p>23 know, not like it happens frequently, but it happens often</p> <p>24 enough that you don't know when it's going to spring up on</p> <p>25 you.</p>
<p style="text-align: right;">Page 183</p> <p>1 A. Had problems with my eyes, not being able to</p> <p>2 focus at times. Had problems understanding the written</p> <p>3 word. You know, more than a couple sentences, I found</p> <p>4 myself having to read over and over.</p> <p>5 Q. Any other symptoms that you can recall right now?</p> <p>6 A. And my hands. The hands were really bad, the --</p> <p>7 the -- she says something in the -- neuropathy, I think she</p> <p>8 called it, of the hands. My hands would just ache so bad.</p> <p>9 I would be holding onto something. I mean, it would just</p> <p>10 let go. My hands would just let go. That wouldn't be</p> <p>11 something I was consciously trying to do. My hands would</p> <p>12 just let go of something. I actually broke a glass at work</p> <p>13 one day because of it. Had one day where -- downtown, just</p> <p>14 before we moved where I was walking across the -- the street</p> <p>15 and I fell in the middle of the -- the street on the walkway</p> <p>16 because my leg went numb and just gave way.</p> <p>17 Q. Now, how -- how long did you have a problem with</p> <p>18 your eyesight, with ability to see?</p> <p>19 A. I still really have that. That's something that</p> <p>20 will happen several times a week where my -- things just go,</p> <p>21 like, blurry and I can't -- I can't make out words. You</p> <p>22 know, you can't -- it's like it's crossed or something.</p> <p>23 Q. Words on a written page?</p> <p>24 A. Yeah, words on a written page.</p> <p>25 Q. And how long -- how long does this last, these</p>	<p style="text-align: right;">Page 185</p> <p>1 Q. The extreme fatigue which, I guess, is -- is that</p> <p>2 one of the primary symptoms of your chronic fatigue?</p> <p>3 A. Yeah. I mean, it is. I spend at least one day</p> <p>4 of every weekend in bed. I mean, I just -- I stay in --</p> <p>5 because if I don't, I will not be able to work the next</p> <p>6 week.</p> <p>7 Q. How -- and how often -- how long have you had</p> <p>8 this?</p> <p>9 A. I've been doing the stay-in-the-bed thing every</p> <p>10 weekend -- I think that started where I was -- I did that</p> <p>11 since August when we moved, and I -- here I was trying to do</p> <p>12 all this physical stuff and all of a sudden I had no energy,</p> <p>13 so I started staying in bed one day of the weekends to</p> <p>14 try --</p> <p>15 Q. August -- "the move." You mean August of 2002?</p> <p>16 A. Uh-huh, uh-huh.</p> <p>17 Q. Let me ask you a question about the -- your not</p> <p>18 being able to wake in the morning or sleeping problems. How</p> <p>19 often did you experience that?</p> <p>20 A. The sleep -- if I don't take I won't go</p> <p>21 to sleep. I have to have That's one of the drugs</p> <p>22 that I take is for my</p> <p>23 Q. How long have you been suffering from that?</p> <p>24 A. I've been taking since early 2003.</p> <p>25 Q. Do you still suffer from sleeping problems?</p>

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1	A. Yes, I do.	1	and correct, except as noted above.
2	Q. Even with	2	
3	A. Even with	3	
4	There are times I just don't	4	LORIN D. NETTERVILLE
5	go to sleep.	5	
6	Q. How often does that happen?	6	THE STATE OF)
7	A. At least once a week. Then on the other hand,	7	COUNTY OF)
8	there's times that I just don't wake up. I have slept as	8	Before me, , on this day
9	long as 17 hours without waking up.	9	personally appeared LORIN D. NETTERVILLE, known to me (or
10	Q. Thank you.	10	proved to me under oath or through) to
11	MR. SUSTAITA: I pass the witness.	11	be the person whose name is subscribed to the foregoing
12	MR. McLAUGHLIN: I have nothing further.	12	instrument and acknowledged to me that they executed the
13	(Deposition concluded at 3:54 p.m.)	13	same for the purposes and consideration therein expressed.
14		14	Given under my hand and seal of office this day
15		15	of , .
16		16	
17		17	
18		18	
19		19	NOTARY PUBLIC IN AND FOR
20		20	THE STATE OF
21		21	
22		22	
23		23	
24		24	
25		25	

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1	CHANGES AND SIGNATURE	1	STATE OF TEXAS
2	PAGE LINE CHANGE REASON	2	COUNTY OF HARRIS
3		3	I, the undersigned certified shorthand reporter
4		4	in and for the State of Texas, certify that the facts stated
5		5	in the foregoing pages are true and correct.
6		6	I further certify that I am neither attorney or
7		7	counsel for, nor related to or employed by, any of the
8		8	parties to the action in which this deposition is taken and,
9		9	further, that I am not a relative or employee of any counsel
10		10	employed by the parties hereto, or financially interested in
11		11	the action.
12		12	SUBSCRIBED AND SWORN TO under my hand and seal of
13		13	office on this the day of
14		14	2006.
15		15	SHANON M. HAIR, CSR
16		16	Certified Shorthand Reporter
17		17	In and for the State of Texas
18		18	Certificate No. 6513
19		19	Expiration date: 12-31-07
20		20	Firm Registration No. 03
21		21	
22		22	
23		23	
24	I, LORIN D. NETTERVILLE, have read the foregoing	24	
25	deposition and hereby affix my signature that same is true	25	

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